

## **Title 19, Division 1, Chapter 3**

### **INITIAL STATEMENT OF REASONS**

Pursuant to Health and Safety Code §13160 the State Fire Marshal shall administer regulations and standards for the protection and preservation of life and property to control the servicing, charging, and testing of all portable fire extinguishers and for controlling the sales and marketing of such devices

#### **SPECIFIC PURPOSE AND RATIONALE**

The proposed regulations will establish the definition of “Accurate Scales” for fire extinguisher and cartridge maintenance and commercial applications. The proposed regulations will also update, to more recent editions, the standards referenced in the regulations. In addition, the proposed regulations will clarify the fire extinguisher service licensee’s notification requirements, to the fire extinguisher owner, in regards to servicing the fire extinguisher prior to its due date and the return of replaced fire extinguisher parts. These proposed regulations also address the use of electronic monitoring of fire extinguishers.

#### **NECESSITY**

While existing regulations cited the use of “Accurate Scales”, it failed to define them. This has led to misinterpretations and the use of scales which were unsuitable for the intended application. The SFM with the assistance of the SFM Fire Extinguisher Advisory Committee, a committee comprised of both fire extinguisher industry and regulatory personnel, has developed definitions which clearly define the term “Accurate Scale” in the context intend by the regulations.

Existing regulations reference several performance standards. It is important for the regulations to reference the most recent editions of those standards, which by default are the industry standards by which fire extinguishers are tested, labeled and listed to.

There has been confusion within the industry as to the notification required when servicing a fire extinguisher prior to its due date and the offer to return parts replaced during extinguisher servicing. The requirement for written notification to the extinguisher owner will alleviate the confusion and clarify the regulatory intent.

The use of electronic monitoring of fire extinguishers is a new technology. Currently, Title 19 does not address

#### **TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, OR REPORT**

The State Fire Marshal has utilized the State Fire Marshal's Fire Extinguisher Advisory Committee to analyze the requirements found in the sections proposed to be repealed to ensure that those requirements are found within other sections of Chapter 3.

## **REASONABLE ALTERNATIVES TO THE REGULATION AND THE STATE FIRE MARSHAL'S REASONS FOR REJECTING THOSE ALTERNATIVES**

The State fire Marshal staff has thoroughly reviewed this proposed regulatory action, including both the negative and positive impacts it will place upon industry. No alternatives considered by the State Fire Marshal would be more effective in carrying out the purpose for which the regulation is proposed, or would be as effective, or less burdensome to affected private persons than the proposed regulations.

## **ALTERNATIVES – SMALL BUSINESSES**

The proposed regulations have no substantial effect to small business and the State Fire Marshal has not identified any alternatives that would lessen any adverse impact, if any, on small business.

## **EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS**

The State Fire Marshal can find no evidence that this action will have a significant adverse economic impact on any business.

## **COORDINATION WITH FEDERAL LAW**

The State Fire Marshal has determined that this proposed regulatory action neither conflicts with, nor duplicates any federal regulation contained in the Code of Federal Regulations.

## **Specific sections which have been modified:**

**Section 557.1** is being proposed to be amended to add definitions for Accurate scales.

**Necessity:** While the term "accurate scale" is used in the code, it has not been defined. A definition is necessary to avoid confusion as to what constitutes an accurate scale. It is also necessary to insure that when a scale is required to measure the weight of an extinguisher or the extinguishing agent, it be accurate. If the correct weight (amount) of agent or expellant is not present in an extinguisher, the extinguisher may fail to operate as designed. In addition, this section is being amended to differentiate between scales used for maintenance and those used in commercial applications which require compliance with California Business and Professions Code and Section 4000, Title 4 CCR.

**Section 561.2** is being proposed to be amended to update the referenced national standards and to add a referenced standard for Clean Agent and Loaded Stream/K-class extinguishers.

**Necessity:** Updating to reference to the most current standard is necessary to correlate the code to the national standard to which the extinguishers are currently tested and listed to. Without this correlation, extinguishers would be in violation of code. The addition of the standards addressing Class K and clean agent extinguishers are

necessary to ensure those types of extinguishers are tested to a nationally recognized standard.

**Section 565.2** is being proposed to be amended to delete reference to Class K hazards.

**Necessity:** These requirements are being deleted to avoid redundancy with Sections 566 and 573 regarding Class K hazards.

**Section 566(b)** is being amended to delete the exception for extinguishers for Class K fires.

**Necessity:** Prior to 2002, Class B extinguishers were allowed. UL testing has shown this type of extinguisher is ineffective and not compatible with modern fire suppression systems.

**Section 568** is being proposed to be amended to correct reference to the correct Table.

**Necessity:** Existing code references the wrong table and needs to be corrected to reference the correct table.

**Section 573** is being proposed to be amended to address extinguishers for multiple hazards in commercial cooking areas.

**Necessity:** This is necessary to ensure that properly rated fire extinguishers are placed throughout the cooking area to address all hazards present. Without this change, Class K extinguishers would be the only extinguisher installed and would not protect against all hazards in the area.

**Section 574.1** is being proposed to be amended to reference manual inspection of extinguishers and to include electronic monitoring.

**Necessity:** This is necessary to include recognized advances in technology and to correlate with the fire code.

**Section 574.2** is being proposed to be amended to recognize when and where electronic monitoring may be used and what it must accomplish.

**Necessity:** This is necessary to include recognized advances in technology and to correlate with the fire code.

**Section 574.3** is being proposed to be amended to include reference to all conditions where corrective action is necessary and to correctly reference item numbers identified in section 574.2.

**Necessity:** This amendment is necessary to include all conditions which require corrective action. Present code does not address all conditions adequately. The correction to the referenced items in Section 574.2 is necessary because of the reformatting of the items.

**Section 574.4** is being proposed to be repealed.

**Necessity:** The requirements of this section are addressed in Section 574.3.

**Section 574.5** is being proposed to be renumbered to 574.4 and amended to correctly reference item numbers identified in section 574.2.

**Necessity:** This amendment is necessary because of the renumbering of the section and the inclusion of reference to non-rechargeable extinguishers using push-to-test pressure indicators to Section 574.2. The correction to the referenced items in Section 574.2 is necessary because of the reformatting of the items.

**Section 574.6** is being proposed to be renumbered to 574.5 and amended to differentiate between the records required to be kept for manual and electronic monitoring. In addition, the section is amended to identify the owner as responsible for the records for a period of not less than one year.

**Necessity:** This is necessary to include recognized advances in technology and the required record keeping. Present regulation mistakenly identifies the person making the inspection rather than the extinguisher owner as being responsible for maintaining records. The retention of records for not less than one year correlates with the interval between required maintenance.

**Section 575.1** is being proposed to be amended to address how notification is to be made for returned parts. In addition, an exception is being added to the requirement prohibiting early service.

**Necessity:** Written documentation is necessary to ensure customer notification has occurred for both offering of returned parts and early service authorization. This brings these written requirements into compliance with the California Business and Professions Code Section 7159.10(a)(d)(3).

**Section 575.3** is being proposed to be amended to include reference to new definition of accurate scales and how accuracy is determined. In addition, the prohibition of fish scales usage has been added.

**Necessity:** This amendment is necessary because with the new definition of accurate scales, a method for validating the continued accuracy of scales used for maintenance was needed. Fish scales are inaccurate and do not meet provisions of Section 557.1.

**Table 4** is being proposed to be amended to add reference to electronic monitoring devices and the corrective action used for certain conditions found during maintenance.

**Necessity:** Electronic monitoring devices are new to the code. The list of corrective action is needed and useful to address certain issues which may arise during the annual maintenance of these devices.

**Section 575.4** is being proposed to be amended to relocate the definition of an accurate scale for weighing cartridges to Section 557.1.

**Necessity:** Because the new definition of accurate scale included in Section 557.1 includes the language being removed from this section.

**Section 578.1** is being proposed to be amended to change the term chemical to agent and to specify the type of accurate scale required when agent is sold by weight.

**Necessity:** The change in terminology is necessary to update to industry standards. The scale specification is necessary to meet the requirements of California Business and Professions Code and Section 4000 of Title 4 CCR.

**Section 591.5** is being proposed to be amended to clarify the requirements for replacement extinguishers and to add the requirement for the extinguisher be returned in 60 days.

**Necessity:** This is necessary to ensure the hazard to be protected against is addressed in the replacement extinguisher and to ensure the customers property (extinguisher) is returned in a timely manner.

**Section 594.3** is being proposed to be amended to reference Certificate of Registration.

**Necessity:** This is needed to address the individual in addition to the company, as addressed in statute

**Section 595.1** is being proposed to be amended to delete reference to Certificates of Registration being transferable.

**Necessity:** This amendment is necessary to be in compliance with H&S 13177.

**Section 596.1** is being proposed to be amended to deleted reference to the 6 year maintenance from the Hydrostatic Test Labels.

**Necessity:** This requirement is no longer required because of the requirement for the Verification of Service Collar.

**Section 596.2** is being proposed to be amended to change the size of the annual maintenance tags to match that used by other States.

**Necessity:** This is necessary to allow California tags to be consistent with standard card stock available to industry. If not changed, industry would be required to have more expensive custom made card stock.